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Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1740 (2007) in which the Council established the United Nations Mission in Nepal (UNMIN) in response to the request of the Government of Nepal and the Communist Party of Nepal (Maoist), or CPN(M), for United Nations support for the peace process. UNMIN was established as a special political mission with a mandate to monitor the management of arms and armed personnel of CPN(M) and the Nepal Army, assist in monitoring ceasefire arrangements, provide technical support for the conduct of the election of a Constituent Assembly in a free and fair atmosphere and provide a small team of electoral monitors.

2. This report reviews the progress of the peace process and the implementation of the mandate of UNMIN since my report to the Council of 18 October 2007 (S/2007/612).

II. Progress of the peace process

3. In my last report to the Council, I referred to the 5 October 2007 decision of the Seven-Party Alliance (SPA) to postpone the Constituent Assembly election, scheduled for 22 November, without setting a new date. It was the second postponement of the election, which had originally been planned for June 2007. Among the key obstacles were the Maoists' demands for the declaration of a republic before the Constituent Assembly election and the adoption of a fully proportional representation (FPR) system of election instead of the mixed system, as agreed earlier, of first-past-the-post for half the seats and proportional representation for the other half. After protracted negotiations, the Seven-Party Alliance reached an initial agreement on 15 December to hold the election by the end of the current Nepali year (12 April 2008), followed on 23 December by a wide-ranging 23-point agreement re-establishing the basis for their cooperation.

4. The second postponement of the election was in many ways sealed when CPN(M) withdrew from the Seven-Party Alliance Government on 18 September in order to press for its 22-point demands. Two of these demands, the declaration of a republic and a fully proportional representation electoral system, were further advanced in November as motions in a Maoist-petitioned special session of the

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interim Legislature-Parliament. Despite the strong opposition of the Nepali Congress (NC), on 4 November the special session adopted motions on these two issues, a result of last-minute agreement between the Maoists and the Communist Party of Nepal (Unified Marxist-Leninist) (UML). Though adopted by simple majority vote, they did not garner the two-thirds majority required for constitutional amendments, and the Nepali Congress continued to reject their implementation, maintaining that they were not legally binding.

5. Underlying the immediate issues that led to the postponement of the November election was the significant divergence in the positions and priorities among the main partners in the Seven-Party Alliance, particularly CPN(M) and the Nepali Congress, regarding the fundamental direction and aspirations of the peace process. There was growing frustration among the traditional mainstream parties at what they view as the Maoists' refusal to abide by democratic norms, including their continued use of violence, intimidation, extortion, abduction, land seizures and similar tactics. These activities reinforced the perception that the Maoists were not interested in an election in which they might not do well. The Maoists, on the other hand, accused the Nepali Congress and the interim Government that it leads of being reluctant to embrace fundamental socio-economic change and the restructuring of the State, particularly in relation to security sector reform and the greater inclusion of traditionally marginalized groups. They have also been critical of the absence of a consensual approach in the interim Government — a criticism shared by the UML — from which they withdrew in September, and assert that the Nepali Congress itself was not ready for a November election. There is agreement among most observers and the main political players themselves that all sides have failed, to a greater or lesser extent, to fulfil some of the important commitments they made over the last 18 months, and that the crisis facing the peace process is in many ways about its implementation.

6. Following their withdrawal from the interim Government in September, and despite the repeated assurances of the leadership, CPN(M) has largely failed to curb the persistent excesses of its Young Communist League (YCL). This trend has reinforced the growing criticism and doubt within Nepali society about the Maoists' commitment to a peaceful negotiated solution based on the principles of democratic pluralism and respect for human rights. Meanwhile, the Government has lagged considerably in efforts to address effectively the Maoists' key concerns, including the living conditions in the cantonment sites of the Maoist combatants, the payment of promised monthly allowances to the cantoned combatants, the future of the Maoist army and the democratization of the Nepal Army. Neither has the Government credibly implemented the agreements signed with representatives of marginalized communities, particularly the Madhesi People's Rights Forum (MPRF) and the Nepal Federation of Indigenous Nationalities (NEFIN). Failure to implement these agreements risks provoking these and other groups to expand protest campaigns, further imperilling the peace process.

7. There were a number of positive developments during this period. In mid-October, just before the annual religious festival of Dashain, the Government disbursed three months of allowances to Maoist combatants in the cantonments, which was observed by UNMIN arms monitors at the request of the Government and the Maoists. Meanwhile, CPN(M) continued its cooperation with the verification by UNMIN of their registered combatants, aimed at identifying those who had been under age 18 as of 25 May 2006, when a permanent ceasefire had

been declared, or were recruited after that cut-off date. UNMIN has now completed verification, having covered since my last report the Maoist fifth-, sixth-, seventh-, fourth- and third-division cantonment sites, as well as individuals outside the cantonments providing leadership security or undergoing medical treatment.

8. According to the Agreement on Monitoring of the Management of Arms and Armies, the Maoist combatants identified in the verification as minors or late recruits must be discharged. This will be the next major task, and UNMIN has repeatedly pressed the Government and the Maoists to initiate serious discussions on the modalities of discharge, which according to agreements should have taken place immediately.

9. The situation with regard to the country's many traditionally marginalized groups remained unsettled. After months of warning, the faction of the Madhesi People's Rights Forum that had signed an agreement with the Government on 30 August began protesting its non-implementation. Similarly, the Nepal Federation of Indigenous Nationalities threatened renewed protests if its agreement with the Government was not implemented. The Federation has gone a step further, demanding the adoption of a fully proportional representation electoral system, reversing its earlier willingness to accept a mixed system. Several other groups, ranging from another faction of the Forum to the Limbuwan and Khumbuwan groups active in the eastern parts of Nepal and Tharuwan groups in the western Terai, have also pressed for adoption of a fully proportional representation electoral system.

10. The situation in parts of the Terai remains a particular concern. The general weakness of governance structures (exacerbated by resignations or threatened resignations of local officials due to insecurity in several districts), continued disaffection of Madhesis and other communities (often expressed in different forms of protest action) and the blurring of lines between political militancy and criminality have created a volatile situation. Broad political realignments are taking place in the Terai with different groups merging or forming new alliances, demanding a fully proportional representation electoral system and threatening to initiate a new Madhesi protest movement. These developments could be warning signs of further polarization that could undermine national unity. They could also serve as an opportunity for the Seven-Party Alliance and the Government to engage in serious political dialogue in order to find a durable solution to the situation.

11. Throughout the reporting period characterized by stalemate and crisis, the seven political parties nonetheless remained in dialogue and increasingly turned their attention to a broader array of critical issues, including review of past agreements and their implementation, security sector reform, and the need for setting up commissions on such issues as land reform and investigating disappearances. My Special Representative made every effort to assist the parties in examining and addressing the underlying issues that have threatened the unity of the seven parties and their ability to work with other democratic forces and civil society, in order to hold a successful and inclusive Constituent Assembly election as soon as this could be made possible.

12. The 23-point agreement signed on 23 December committed the parties to an amending of the interim Constitution to state that Nepal shall be a federal democratic republic, and that the republic shall be implemented at the first meeting of the Constituent Assembly, until which time the Prime Minister shall conduct all

the duties of the Head of State. The mixed electoral system for the Constituent Assembly was to be amended, so as to retain 240 seats elected on a first-past-the-post constituency basis while increasing the number of seats elected on the basis of proportional representation from 240 to 335, and those to be nominated by the Council of Ministers from 17 to 26. The Assembly will thus have 601 members. On 28 December, the interim Legislature-Parliament approved the proposed amendments and on 4 January 2008 it passed the consequential amendments in the electoral legislation.

13. The agreement set ambitious timelines for the implementation of commitments already made in the Comprehensive Peace Agreement and other agreements. Six commissions and committees are to be established, including a high-level committee for monitoring the effective implementation of the Comprehensive Peace Agreement and other agreements, and a Peace Commission to work with the Ministry of Peace and Reconstruction. Local bodies are to be created, and at the national level a coordination committee of top leaders is to support and coordinate the functioning of the interim Government. Compensation is to be provided to the families of those who were killed or who disappeared during the conflict, land and property seized by the Maoists are to be returned, payments to Maoist combatants are to be released, and the special committee to consider integration of Maoist combatants is to be activated. All political parties and their affiliated organizations are to refrain from violence, abduction, extortion and any activities that could disrupt the election.

14. With the signing of this agreement, CPN(M) committed to rejoining the interim Government, which it did on 30 December, and the seven parties agreed to hold joint public meetings in seven locations to appeal for participation in the election. The compromise solution was ultimately achieved after long and difficult negotiations in the face of considerable domestic and international frustration and pressure. The seven parties and their leaders deserve to be congratulated for the spirit of compromise in which they reached their decisions.

15. The remaining political challenges, which could still negatively affect the electoral calendar, should not be underestimated. Madhesi representatives were immediately critical of the agreement, protesting that it had been reached without dialogue with them and maintaining their demand for a fully proportional representation electoral system. In some districts, the security situation for an April 2008 election could be even more difficult than it had appeared for a November 2007 election. Timelines set out in the agreement are extremely challenging, opening up scope for mutual recrimination if they are not met. Furthermore, the fermentation in national and regional politics highlights the important challenges that lie ahead for the Constituent Assembly election and the peace process and the need for visionary and timely steps to build a national consensus through inclusive dialogue.

III. Status of the United Nations Mission in Nepal

16. As of 17 December, 866 of the authorized 1,073 personnel were on board. A significant number of electoral staff either were not recruited or left the Mission once postponement of the election had been announced. Of 711 civilian personnel on board, 208 — 29 per cent — are female. Broken down by component, the proportions are as follows: among substantive staff, 41 per cent are female, while

among administrative staff, 19 per cent are female. There are 12 female arms monitors, a number the Mission would like to increase; this, however, would depend on the nomination of women candidates by Member States. Female national staff account for 28 per cent of the total. The Mission's efforts to recruit national staff from traditionally marginalized communities have resulted positively in a proportion of 47 per cent (155 out of 332) from traditionally marginalized groups.

17. I regret to report that the Status of Mission Agreement (SOMA) has not yet been signed with the Government of Nepal. Only minor issues remain to be settled by the country's civil aviation authority, which I hope will be resolved in the near future.

IV. Activities of the United Nations Mission in Nepal

A. Arms monitoring

18. UNMIN has continued to monitor the arms and armies of the two sides (Maoist army and Nepal Army), including through around-the-clock surveillance at all weapons storage areas in the seven Maoist army main cantonment sites and at the designated Nepal Army site in Kathmandu. The Arms Monitoring Office remains at its full strength of 186 monitors, and all five sectors are fully operational under senior sector commanders. The sectors coordinate closely with other UNMIN components in their respective UNMIN regional headquarters and with other United Nations entities, particularly the Office of the United Nations High Commissioner for Human Rights, having established close cooperation, information-sharing and coordination arrangements. The rotation of monitors started at the end of December 2007 as the first arrivals began to complete their one year of duty.

19. Sector commanders have maintained comprehensive liaison arrangements with local Maoist and Nepal Army commanders, and arms monitors continue to patrol Maoist satellite cantonment sites and Nepal Army barracks. Arms monitoring operations also include visits to villages, local government officials, civil society organizations and United Nations field locations.

20. The Joint Monitoring Coordinating Committee (JMCC), chaired by the UNMIN Chief Arms Monitor, with senior Nepal Army and Maoist army commanders as vice-chairpersons, continues to be an effective mechanism for implementation, information-sharing, confidence-building and dispute resolution. The Committee meets on a regular basis and deals with all aspects of the Agreement on Monitoring of the Management of Arms and Armies and, as necessary, discusses other matters involving the Nepal Army and the Maoist army. Between 17 December 2006 and 3 January 2008, the Committee held 61 meetings.

21. The 10 Joint Monitoring Teams — 2 in each sector, with each team comprising one United Nations monitor, one Nepal Army monitor and one Maoist army monitor — have proved to be an effective tool for early resolution of potential local violations and for enabling a rapid response to incidents requiring investigation. As at 20 December, 71 investigations had been conducted, of which 10 are ongoing. The Joint Monitoring Coordinating Committee rules on the final results of the investigations.

22. While living conditions for the Maoist personnel in the cantonments and satellite camps have improved, there are continuing difficulties, involving, inter alia, accommodations, clothing and health facilities. This is a matter of particular concern in the current winter season. The Nepal Army has also expressed concern that many of its troops remain billeted in substandard conditions.

23. After a hiatus during the major national holidays in October-November, the second-phase registration (verification) was completed on 23 December. The next challenge will be the release and reintegration of the unqualified Maoist personnel. UNMIN is consulting the Government and the Maoist leadership on a range of issues related to the discharge of those verified as minors and late recruits and their reintegration, with the assistance of the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF). The cantonment of Maoist combatants and restriction to barracks of the Nepal Army were intended to constitute a temporary confidence-building arrangement for the Constituent Assembly election. A durable solution regarding the future of those verified as combatants has to be found soon. UNMIN has thus continuously stressed to the parties the importance of starting without delay the discussion and decision-making on the integration and rehabilitation of Maoist combatants, the democratization of the Nepal Army and the future of the country's security sector as a whole.

B. Mine action

24. During the reporting period, the UNMIN Mine Action Unit destroyed category one (unsafe to store) improvised explosive devices/explosive remnants of war items at five of the seven main Maoist cantonment sites. Destruction of all unsafe items was completed at three of the five sites, 90 per cent of items at the fourth site and only 30 per cent at the fifth site. While it had been anticipated that all destruction could be completed during this period, Maoist army cooperation at the level of the Joint Monitoring Coordinating Committee did not translate into cooperation at the divisional level, and lack of cooperation from commanders at the fifth site and the remaining two sites has meant that approximately 50 per cent of all items will still require action in 2008.

25. The Mine Action Unit also conducted humanitarian mine clearance training for the Nepal Army to assist it in fulfilling its commitments under the Comprehensive Peace Agreement. The Nepal Army has so far committed itself to the clearance of only 5 of its 53 minefields. Training of 32 personnel was completed in late September. The trainees have successfully cleared the Khimti minefield to the east of Kathmandu and were since redeployed to two minefields in the western region. Clearance of these minefields will continue into 2008, although it is hoped that the Nepal Army will commit to additional minefield training and the clearance of all minefields within a reasonable time frame.

C. Electoral support

26. The work of the UNMIN Electoral Assistance Office and its composition underwent important changes following the Government's 5 October decision to postpone the 22 November election. At the request of the Election Commission, all Electoral Assistance Office District Election Advisers (all United Nations

Volunteers) were withdrawn from the districts. Of the 81 international District Election Advisers originally deployed in the field, only 15 were retained in the Electoral Assistance Office and regrouped at the UNMIN regional offices until the end of December. These 15 operated as mobile teams covering a number of districts in their respective regions to maintain the UNMIN electoral presence and ensure continuity pending the decision on a new election date. A further 20 of the 81 District Election Advisers were temporarily reassigned to other UNMIN sections to ensure capacity for rapid redeployment when needed.

27. Following the postponement of the election, the work of the Electoral Assistance Office concentrated on debriefings of electoral advisers at the district, regional and central levels on their experience on the electoral preparations and lessons learned. The Electoral Assistance Office also supported the Election Commission in organizing a fourth-phase debriefing and lessons learned exercise on the status of electoral preparations at its five Regional Resource Centres. The aim was to learn from the past and to improve planning for the future.

28. The outcome of the regional- and district-level debriefings emphasized the positive impact of the presence of UNMIN electoral advisers throughout the country. During the months of preparations, District Election Officers of the Election Commission as well as Regional Resource Centre managers felt empowered by the presence of the UNMIN electoral team. Such confidence-building, particularly at the district level, was considered an even more important contribution by the Electoral Assistance Office than its technical assistance and expertise.

29. UNMIN continued its focus on election security issues. One Police Adviser has been deployed to each of the five operational regions. In the initial phase of deployment, these advisers invested time and effort in establishing ties with regional law enforcement officials and in gaining ground-level knowledge of the areas of operation.

30. However, such efforts faced difficulties, as the Nepal Police, the Armed Police Force and other concerned agencies have not received clear directives on the extent and nature of their cooperation with UNMIN Police Advisers in the area of election security. My Special Representative has made repeated efforts to address this problem with the Home Ministry. He has explained to the Government and the political parties the valuable role UNMIN could play in advising the national police in the election process, given the many challenges they face at the local level.

31. The Electoral Expert Monitoring Team issued its third monitoring assessment report after having visited Nepal from 27 September to 8 October, a visit that coincided with the announcement of the postponement of the November election. The report described the suspension of the election as a political rather than a technical decision. From a technical perspective, the Monitoring Team considered that preparation of the election had proceeded in a timely manner although some problems remained, such as the conditions of the equipment for ballot-paper printing as well as the consolidation and distribution of the polling materials. The report also highlighted the continuing vulnerability of the security situation and the dangers inherent in the uncertainty of the future of the Constituent Assembly polls, especially insofar as it affects the different social groups with new, rising demands. The security preparations had been exclusively based on measures put in place by the security forces without a clear commitment from the political parties to creating

the necessary conditions for the ballot. The report has been shared with the Nepalese authorities and key stakeholders in Nepal. The Electoral Expert Monitoring Team will resume its work once the electoral process is reactivated, provided the mandate of UNMIN is extended.

D. Civil affairs

32. Holding a successful Constituent Assembly election is dependent to a considerable extent on the prevalence of law and order and the existence of sufficient democratic space for political actors and for ordinary citizens. My Special Representative continued to underline the need for a national monitoring body to assist in the creation of such conditions, noting that UNMIN had been asked to assist in such monitoring. UNMIN, primarily through its Office of Civil Affairs, intensified its own monitoring of violence and Comprehensive Peace Agreement violations, particularly following the 18 September withdrawal of CPN(M) from the interim Government and the attendant rise of political tensions. Among the areas of focus have been the general deterioration in public security and rule of law, particularly in some Terai districts, and increased extortion by CPN(M)-affiliated groups and individuals. The monitoring has focused on the increasing challenges to the State that were identified by the five regional Office of Civil Affairs teams in their visits to 30 districts and 65 Village Development Committee areas in Nepal.

33. These challenges were seen to be taking many forms and to be varying both by location and by intensity. It was observed that in many districts, including at the level of VDCs, CPN(M)/YCL had increasingly taken on an administrative role, on occasion even receiving explicit recognition from the police and/or the local administration. The influence of extrajudicial bodies and quasi-legal structures which dispensed "justice" at the subdistrict level, addressing a spectrum of issues ranging from domestic disputes to petty crime and corruption, continued uncontested in a number of areas where the tangible absence or disempowerment of State structures created a vacuum in the rule of law. The weakness and unwillingness of security forces to act has led to widespread impunity for those who break the law, especially if they are aligned to political parties or blocs.

34. Illegal taxation/extortion in the Terai and Hill regions increased significantly in the period after September 2007. The extortion carried out by armed groups in the Terai contributes significantly to the environment of increased violence and lawlessness in the area, which remains volatile, though the situation varies in important ways from district to district. In several districts, Village Development Committee secretaries submitted their resignations en bloc or were ineffective owing to fear of attack, increasing the risk that the entire area will withdraw further from the reach of the State. The fact that the Federal Limbuwan State Council, which claims to represent the aspirations of the Limbu, a major indigenous group in the Eastern Hill region, continues to levy ad hoc "taxes" has led to tensions and cleavages between Limbu and non-Limbu groups. There is a risk that local-level conflict between Limbu and non-Limbu people will take on sharper ethnic dimensions.

35. The Terai and Limbuwan areas show evidence of increased extortion, while the overall rise in involuntary donations has been a reflection of the forceful assertion

by CPN(M) of its parallel structures in a significant portion of the country. These activities are on the increase mainly in the Hill districts.

36. UNMIN continues to monitor and report on the flashpoints in the Terai, where the potential for renewed communal or sectarian violence remains high. In Kapilvastu district, which saw a major spate of violence in August, tensions remain high and the need for dialogue and confidence-building among communities as well as for effective law-and-order management by State authorities remains of paramount importance. CPN(M)/YCL was seen to be openly taking on sensitive State duties and obligations such as managing the main official camp for internally displaced persons.

37. The Office of Civil Affairs is consolidating its analysis of the compliance of the signatories to the Ceasefire Code of Conduct and the Comprehensive Peace Agreement in order to make this available to the parties and to a national monitoring body, if established. In addition, it is preparing a mapping of successful local peacebuilding and conflict mitigation initiatives, based on a representative cross-section of such interventions collected from the five regions, to be shared with those Government actors responsible for local governance and peace promotion initiatives.

E. Gender, child protection and social inclusion

38. During the reporting period, the UNMIN Gender Affairs Section engaged in activities relating to the implementation of Security Council resolution 1325 (2000) in the context of Nepal's political transition and the Constituent Assembly election. It focused on promoting political participation of women, including those from among traditionally marginalized groups, and gender equality as a guiding core principle.

39. UNMIN continued to engage with women political leaders across the political spectrum in discussions over political participation of women. At their invitation, UNMIN participated in a number of meetings organized by women political leaders, parliamentarians and civil society groups. Those meetings highlighted the urgency of issues seen by national stakeholders as key to ensuring women's political participation, which included women's visibility in the political process.

40. Internally, the Gender Affairs Section has completed training for its regional teams and further engaged with various components of the Mission to ensure that gender concerns are well mainstreamed into all areas of UNMIN operations, including arms monitoring. UNMIN continued to work closely with the United Nations Country Team and the Peace Support Working Group on Security Council resolution 1325 (2000) at different levels, including through interactions with the Government.

41. During the course of the global 16 Days of Activism against Gender-based Violence, UNMIN participated in a number of events, such as the National Consultation of Women Human Rights Defenders attended by almost 300 women human rights defenders from across Nepal. Similarly, the Dalit Women's National Conference, which was organized by the Feminist Dalit Organization, focused on Dalit women's participation and representation in building a new Nepal. My Special Representative addressed both these conferences.

42. The UNMIN Child Protection Section continued to work closely with UNICEF, the Office of the United Nations High Commissioner for Human Rights and members of the Nepal task force on children and armed conflict in monitoring children's political participation and the recruitment and use of children by armed groups, as well as their release and reintegration.

43. No children associated with the Maoist army have yet been formally discharged, although many are believed to have been informally released or self-released from cantonment sites. Many informally released children have joined the labour market; some have returned home and some have joined reintegration programmes run by UNICEF and other actors. At the same time, UNMIN is investigating a number of reported cases of forcible re-recruitment of informally released children by the Maoist army, which would be a breach of the Comprehensive Peace Agreement. While the reintegration of these children is a Government responsibility, in the absence of a Government institution taking responsibility for reintegration, the programme is at present being led by UNICEF. In a number of incidents, Young Communist League and Maoist army cadres at district level have harassed organizations participating in the UNICEF-led reintegration programme.

44. Some political groups in the Terai have set up youth wings, some of which conducted unarmed paramilitary displays in the reporting period. Their leaders state that they recruit youth aged 16 years or over, but there is some evidence that younger children may become involved. Terai groups using violence are believed to have recruited children for active and direct participation in hostilities.

45. The UNMIN Social Affairs Section has focused, in the regions as well as at the national level, on key social inclusion issues, including in government bodies and political appointments made subsequent to the formation of the interim Government. Traditionally marginalized groups continue to express concern over their persistent exclusion from decision-making in the peace process. The postponement of the Constituent Assembly election was of particular concern to these groups who view the Constituent Assembly as an important mechanism for ensuring inclusion and representation at all levels of Government and within political processes. The calls for their representation either through a fully proportional representation system or through guarantees of a fixed proportion of seats in the Constituent Assembly remain strong.

46. UNMIN has continued to make a conscious effort, including through its induction programmes and participation in regional human rights workshops of the Office of the United Nations High Commissioner for Human Rights, to underline the importance of addressing issues of social exclusion and discrimination in the peace process. It monitors relevant national and regional social inclusion issues; encourages increased participation of traditionally marginalized groups in the peace process and in local peacebuilding efforts; works closely with United Nations and donor agencies and international non-governmental organizations, advising on relevant social inclusion issues; and promotes development activities aimed at reducing social exclusion.

F. Political affairs

47. The UNMIN Political Affairs Section continued to monitor and analyse the political situation in the country and assist the Mission leadership in its efforts to support the peace process, focused in particular on restoring and maintaining confidence among the political parties and democratic forces. The Section has closely tracked the intensive and ongoing dialogue within the Seven-Party Alliance as well as the rapidly evolving developments among traditionally marginalized groups, including the increasing militant tendency among many of these constituencies, and the impact of these developments on the electoral process, national politics, and the peace process as a whole. Special attention was also paid to assisting the parties in reviewing the relative progress of the peace process and implementation of existing agreements.

G. Public information and outreach

48. During the reporting period, national and international media focused on the political impasse related to the second postponement of the Constituent Assembly election. In this context, national media reported extensively on the possible extension and expansion of the UNMIN mandate, including critiquing the Mission's role to date. My Special Representative and his Deputy addressed the media on a regular basis, besides addressing public events, in order to present the Mission's concerns in relation to the peace process.

49. UNMIN launched its weekly radio programme (*UNMIN-ko Boli*) and public service announcements in five regional languages: Bhojpuri, Tamang, Maithili, Tharu and Awadhi, while continuing programmes in the Nepali language through a number of national broadcasters, FM stations and community radios. The Mission's Public Information Office provided training to Radio Nepal's regional language teams to enhance production skills. In partnership with the international non-governmental organization specialized in communications Search for Common Ground, UNMIN also provided capacity-building support to local FM radio stations in districts particularly prone to growing communal tensions, to assist the production of talk shows promoting dialogue, tolerance and inclusion.

50. UNMIN published further print materials, with wide dissemination across the country. These included a bilingual edition of my 18 October 2007 report to the Security Council, as well as three issues of the Mission's newspaper (*UNMIN Patra*) and a number of fact sheets on aspects of the work of UNMIN and United Nations agencies.

51. The public information and outreach staff continued to collaborate with the United Nations Country Team communications teams on a number of initiatives. In particular, the reporting period saw the implementation of a joint United Nations Population Fund (UNFPA)-UNMIN outreach initiative aimed at promoting Security Council resolution 1325 (2000) among grass-roots audiences, with a street drama performed in over 30 locations throughout the country. Opinion leaders and decision makers nationwide were also targeted through stage performances of the drama. These provided an opportunity to engage with both regional and national media and promote the need for greater inclusion of women in all aspects of the peace process.

H. Safety and security

52. While the general level of staff safety and security remained unchanged, the overall security environment has become more volatile. Civil unrest and protests by various groups occurred regularly across the country. Tensions that arose following the postponement of the Constituent Assembly election for a second time exacerbated the already troubled law-and-order situation. Persisting disaffection among marginalized communities, and activities of armed groups and communal violence in the Terai, have all contributed to a tenuous security situation. In Terai districts, public security diminished markedly, as witnessed in late September by the violence in parts of Kapilvastu district, and the number of known armed and criminal groups increased. Reports of civilians taking the law into their own hands, mainly in parts of the central and eastern Terai regions, also saw a marked increase. Fuel shortages frequently added to these concerns.

53. United Nations staff members have not been directly targeted; however, incidents, such as harassment and intimidation, assault and residential break-ins, have been reported. The Nepal office of the Department of Safety and Security, along with the UNMIN Safety and Security Section, continues to strengthen security measures to ensure staff safety.

V. Mission support

54. The Mission's administrative and logistic support systems attained full operational capacity and reoriented their work towards efficiency gains and consolidating achievements. Office space was expanded through the construction of locally procured containers to ease overcrowding in the UNMIN headquarters compound in Kathmandu. With the infrastructure of the five regional offices complete, administration and logistics services function at routine maintenance and support levels.

55. Medical clinics are operational in all regional offices. An evaluation of a level 4 hospital in Bangkok was carried out in November and a contract with the hospital for providing medical services to UNMIN staff is pending approval. The UNMIN HIV/AIDS Adviser has conducted training and awareness workshops in all regional offices, developed a module on HIV/AIDS for all UNMIN induction training, and worked closely with both the UNMIN Medical Section and the United Nations Country Team to ensure coherence in the Mission's efforts in relation to HIV/AIDS.

56. A challenge has been to maintain a support infrastructure for the Mission's electoral operations, so as to ensure that logistic and support structures can be reactivated expeditiously and smoothly in the event that the UNMIN mandate is extended and a new election date is declared.

VI. Human rights

57. In a report issued in December, the Office of the United Nations High Commissioner for Human Rights warned that human rights have been marginalized and subordinated to political considerations and that failure to stop the downward trend would risk deepening social divisions and engender further violence. Noting

that the human rights situation had deteriorated rather than improved since the signing of the Comprehensive Peace Agreement in November 2006, the report highlighted that protection of the right to life had been increasingly eroded, with more than 130 individuals killed between January and October, including 29 by police, often in circumstances suggesting excessive use of force. More than 60 people had been killed by armed groups since May. Forty-five of the 130 individuals were CPN(M) cadres. Other victims included local government officers, teachers and several young people under age 18.

58. The report focused, in particular, on the limited capacity of the State to protect the rights and security of the population, the continuing lack of political will to address impunity for past and ongoing violations and abuse, and the need for a comprehensive approach to addressing marginalization and discrimination as well as to protecting economic, social and cultural rights. There have been continuing reports of Dalits being denied access to justice for discriminatory acts — including denial of access to resources, acts of violence and rape — that have been committed against them.

59. Against the backdrop of continuing political deadlock and hardening of political positions following the postponement of the November election, reports of human rights violations continued, and abuses by CPN(M) — especially abductions — increased in October. However, the CPN(M) leadership announced that it had issued directives to its cadres to stop abductions following the abduction and killing of journalist Birendra Sah in early November and following the abduction and serious beating of a group of doctors. Reports of abductions nevertheless continued after the directives were issued, and there has also been a resurgence of forced donations similar to those of the pre-Comprehensive Peace Agreement period.

60. In the wake of abductions both by CPN(M) and by armed groups, the interim Legislature-Parliament adopted an amendment to the Civil Code established to criminalize forced abductions. At the same time, it announced steps to draft legislation designed to criminalize forced disappearances (which had originally been included in the Civil Code amendment but was subsequently dropped) and to set up a commission of inquiry into disappearances. There were no signs of any developments in addressing impunity either for human rights violations, or for criminal acts of violence, which have continued unabated, particularly in the Terai. The failure of State institutions to hold anyone accountable, including as a result of continuing political pressures on police to release suspects who are arrested, is contributing to the cycle of violence, lawlessness and insecurity.

61. Following the formation of special task forces, comprising the Armed Police Force and the Nepal Police, to increase security in the Terai, the Office of the United Nations High Commissioner for Human Rights began monitoring arrests and detentions carried out by the task forces to assess the legality of the operations. The report of the Office of the High Commissioner had already noted a series of irregularities in detention procedures, as well as numerous allegations of the occurrence of torture and ill treatment under police custody, prior to the setting up of the task forces, and there were concerns that a security crackdown would not be carried out in full compliance with human rights principles.

62. During this period, considerable attention was drawn to the issue of sexual violence against women and girls in the context of the 16 Days of Activism against

Gender-based Violence campaign launched on 25 November. Among the issues highlighted were: the need to break the silence against rape, and the lack of access to support mechanisms and to justice, as well as the current 35-day limit for filing complaints of rape.

VII. United Nations Country Team coordination

63. UNMIN and the United Nations Country Team have worked closely to develop an integrated approach based on the complementarities of peace support, humanitarian response and development assistance. This has included aligning strategic planning processes, notably the UNMIN/United Nations Country Team strategic framework 2007, the humanitarian appeal 2008 and the United Nations Development Assistance Framework 2008-10, to support and consolidate the peace process. Overall, the United Nations Country Team implemented programmes totalling $115 million in 2007 (up from $105 million in 2006) and has presented plans in the order of $150 million for 2008.

64. The Government continues to underscore the need for programmes requiring more than $200 million to support the peace process, encompassing, in particular, the management of Maoist cantonments, the return of men, women and children associated with armed forces to civilian life, elections, the restoration of public security, and assistance to internally displaced persons and other victims of the conflict. The Cabinet recently adopted a three-year reconstruction-and-development plan which stresses poverty reduction with a special emphasis on social inclusion. The donor community has been working with the Government to define an Action Plan for a Peace Dividend and a transitional peace-and-development framework. The key elements in both are closely linked to the four priority areas of the United Nations Development Assistance Framework (consolidating peace, improving basic services, providing better livelihood opportunities, and promoting and protecting human rights, gender and social inclusion).

65. United Nations agencies, funds and programmes in Nepal (UNDP, UNFPA, the United Nations Development Fund for Women (UNIFEM), the Office of the United Nations High Commissioner for Human Rights, UNICEF, the Office for the Coordination of Humanitarian Affairs of the Secretariat, the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO) and the Office of the United Nations High Commissioner for Refugees (UNHCR)) have responded to critical peace support issues through assistance to UNMIN or complementing its mandated responsibilities. These relate to post-conflict constitution-building and long-term electoral capacity-building, registration and age/status verification of Maoist combatants, and initiatives to reintegrate those disqualified through verification, for which a United Nations coordination cell on reintegration led by UNMIN has been set up. In addition, basic health services in Maoist cantonment sites continue to be provided. In line with Security Council resolution 1325 (2000), the United Nations supports activities designed to ensure women's participation and protection in the post-conflict transition and the protection of women and girls against gender-based violence, as well as to support humanitarian stakeholders in better integrating a gender perspective. Projects are being implemented to address the risks posed by the unusually large number of improvised explosive devices and assistance is being provided to help the Government align its support to internally displaced persons

with international best practice. Food-for-work activities are being carried out to (re)build critical infrastructure, to provide non-formal civic education and to create community assets that facilitate return and reintegration in food-insecure, conflict-affected communities. The analysis of information on conflict-affected districts is being undertaken to aid development planning. The United Nations also supports community networks to promote reconciliation and participation in the peace process.

66. Activities related to the peace process have been financed through the Government's Nepal Peace Trust Fund and its complement, the United Nations Peace Fund for Nepal, which operate under a common governance arrangement led by the Government, my Special Representative, the Resident Coordinator and leading donors. The Nepal Peace Trust Fund has attracted $23.5 million in commitments from five donors, who have also contributed $4.5 million to the United Nations Peace Fund. The United Nations provided the technical assistance for the establishment of both Funds, including support for the Government effort to ensure the transparent and effective use of funds allocated for internally displaced persons. A mini-review of the Nepal Peace Trust Fund conducted in October 2007 called for a functioning secretariat, the inclusion of the Maoists in the steering structure, clearer prioritization and a credible monitoring mechanism. I have also declared Nepal eligible for support from the United Nations Peacebuilding Fund, which presents a further opportunity to mobilize resources for critical peace support tasks.

67. The principal challenge in many parts of the country remains the implementation of initiatives, owing to the absence of government officers at the district and local levels, and the emergence of local conflicts and increased criminal activity. UNMIN, the United Nations Country Team and donors have launched efforts to work with the Government to expand development activities in the Terai region, and have reaffirmed their commitment to a set of operating principles that stress the impartiality of development work.

VIII. Observations

68. In my last report to the Council, I underlined the need for the parties to the Comprehensive Peace Agreement to examine closely the differences that had created significant rifts and a deficit of trust in their relations and the underlying weaknesses of the peace process. It is encouraging to note that the Seven-Party Alliance has moved in that direction in a significant manner. There is a common recognition of the critical need to maintain the cohesion of the Seven-Party Alliance and to address the failure in implementing agreements and following up on previous understandings. This should be an integral part of the peace process, and mechanisms need to be put in place to strengthen the architecture of the peace process in order to ensure its credibility and maintain its momentum.

69. There continues to be a crucial need to respond adequately to the legitimate and reasonable demands of traditionally marginalized groups. The election of the Constituent Assembly and the peace process in the long run are both aimed at advancing Nepal's democratic culture and institutions to a higher plane, based on the inclusion and representation of all Nepalis.

70. Such a democratic culture is dependent on ensuring that the State and the main political actors abide by their commitments to non-violence, political pluralism and respect for human rights. The use of violent and extrajudicial means, the resort to intimidation and extortion, the suppression of political and other fundamental rights and the perpetuation of discriminatory and exclusionary practices are inimical to the greater democracy and reform to which Nepal aspires.

71. The effective presence of the State at the local level is of vital importance. While achieving an adequate level of security for the election would require political will and cooperation, particularly among the main political forces, it is also true that, without an effective capacity of the State to provide security to citizens during a competitive election period, it will be difficult to ensure the credibility and fairness of the ballot. The nation's security agencies have appealed for political commitment and action by the political parties at the central and local levels. The interim Government and the Seven-Party Alliance must give law and order a very high priority.

The future of UNMIN

72. In its resolution 1740 (2007), the Security Council expressed its intention to terminate or further extend the 12-month mandate of UNMIN upon request of the Government of Nepal, taking into consideration my expectation that UNMIN will be a focused mission of limited duration. On 18 December 2007, the Permanent Representative of Nepal to the United Nations wrote to me requesting that the mandate of UNMIN be extended for a further six months. The decision of the Cabinet to make this request followed consultations within the Seven-Party Alliance and reflects a consensus of all parties, including CPN(M), which was then outside the interim Government but has now rejoined it.

73. In my last report to the Council, I expressed my view that the limited focus of the mandate of UNMIN had constrained the Mission's ability to adequately assist the overall management of the peace process, whose weakness had become evident. The Government of Nepal has not requested any expansion of the mandate of UNMIN. My Special Representative has reiterated to the Government and the seven parties the readiness of UNMIN to be of greater support to the peace process within its existing mandate and has put to them specific suggestions in this respect. It is up to the parties to decide how to utilize the capacities of UNMIN in the most effective way.

74. I have considered whether, in a context where there is no effective national monitoring of peace process implementation, and where the holding of a credible Constituent Assembly election may again be threatened by political differences among the principal actors, the presence of UNMIN should be significantly reduced. This could mean maintaining arms monitoring, while withdrawing most civil affairs officers and deploying electoral advisers to the regions and districts only when the election is certain, if at all. I am reluctant, however, to recommend this course of action to the Security Council. The deployment of international personnel to the regions and districts of Nepal has consistently been regarded as a key factor in creating a free and fair atmosphere for the election. Not only is such an atmosphere required in the last stages of the electoral process but it also needs to be established with urgency for a successful election by 12 April 2008. A downsizing of the

presence of UNMIN, when it would not necessarily be possible to redeploy with speed, could thus imperil the prospects for a successful election within the newly agreed time frame. None of the parties has called for such a downsizing in the consultations conducted by my Special Representative.

75. I therefore recommend that the mandate of UNMIN should be extended for a further six-month period, maintaining the existing configuration and staffing of the Mission. This would be subject to some reduction in the electoral staffing, taking into account the technical assistance already provided, and other minor adjustments in the light of experience.

76. In conclusion, I would like to convey my appreciation to the Security Council and other Member States for their continued support to Nepal. I would also like to thank my Special Representative, his staff and their partner organizations for their dedicated efforts.